

UNITED STATES DISTRICT COURT

for the
Southern District of TexasDiageo North America, Inc.
v.
Mexcor, Inc. and EJMV Investments, LLC

Case No.: 4:13-cv-856

BILL OF COSTS

Judgment having been entered in the above entitled action on 12/18/2014 against Defendants,
Date
the Clerk is requested to tax the following as costs:

| | |
|--|----------------------|
| Fees of the Clerk | \$ <u>350.00</u> |
| Fees for service of summons and subpoena | |
| Fees for printed or electronically recorded transcripts necessarily obtained for use in the case | <u>41,645.65</u> |
| Fees and disbursements for printing | <u>20,632.35</u> |
| Fees for witnesses (<i>itemize on page two</i>) | <u>11,713.32</u> |
| Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case. | <u>50,567.26</u> |
| Docket fees under 28 U.S.C. 1923 | |
| Costs as shown on Mandate of Court of Appeals | |
| Compensation of court-appointed experts | |
| Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828 | <u>926.50</u> |
| Other costs (<i>please itemize</i>) | |
| TOTAL | \$ <u>125,835.08</u> |

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

Declaration

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:



Electronic service



First class mail, postage prepaid



Other:

s/ Attorney: Name of Attorney: Lee M. PopkinFor: Diageo North America, Inc. Date: 01/02/2015
Name of Claiming Party

Taxation of Costs

Costs are taxed in the amount of _____ and included in the judgment.

By: _____

*Clerk of Court**Deputy Clerk**Date*

Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)

NOTICE

"Sec. 1924. Verification of bill of costs."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

RULE 54(d)(1)

Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney's fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 day's notice. On motion served within the next 7 days, the court may review the clerk's action.

(d) Additional Time After Certain Kinds of Service.

RULE 58(e)

Cost or Fee Awards:

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

ATTACHMENT A*

| Name, City and State of Residence | Days of Attendance (Hotel) | Subsistence | Mileage (Flight) | Total Cost |
|---|---|-------------|------------------|--------------------|
| Yvonne Briese | 4 \$528.00 | \$355.00 | \$1,369.25 | \$2,252.25 |
| Abby Wise | 4 \$528.00 | \$355.00 | \$971.20 | \$1,854.20 |
| Phil Sobel | 3 \$396.00 | \$284.00 | \$623.10 | \$1,303.10 |
| Jon Lovell | 3 \$396.00 | \$284.00 | \$1,528.16 | \$2,208.16 |
| Bruce Isaacson | 4 \$528.00 | \$355.00 | \$818.41 | \$1,701.41 |
| Hal Poret | 2 \$264.00 | \$213.00 | \$1,534.00 | \$2,011.00 |
| Reginald Moore | \$223.20 (space used to conduct deposition) | | | \$223.20 |
| Witness Fees for Deposition Appearances (Andrew Josey, Reginald Moore, Jon Lovell, and Rance Ledbetter) | \$160 (\$40 each) | | | \$160 |
| TOTAL | | | | \$11,713.32 |

*Diageo is using the daily per diem of \$203 prescribed by the Administrator of General Services, pursuant to section 5702(a) of title 5, for official travel in Houston by federal employees (\$132 per day for lodging and \$71 for meals and incidental expenses) to calculate the witness expenses for its trial witnesses. See <http://www.gsa.gov/portal/content/104877>.